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HONORABLE CHRIS VAN HOLLEN  
CHAIRMAN

April 16, 2008

Thomasenia Duncan, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

MUR# 5999

Dear Ms. Duncan:

This complaint alleges violations of the Federal Election Campaign Act of 1971, as amended ("FECA" or the "Act"), 2 U.S.C. §§ 431 et seq. and related regulations of the Federal Election Commission ("FEC" or the "Commission"), 11 C.F.R. §§ 100.1 et seq. by Freedom's Watch and the National Republican Congressional Committee ("NRCC").

Freedom's Watch purports to be an independent, nonprofit social welfare organization. In fact, it exists to support Republican candidates for Congress. Moreover, it appears to be coordinating its ads with the Republican Party. It provided television stations in Louisiana with an ad script attacking a Democratic House candidate - but with metadata indicating NRCC authorship. The Commission should begin an immediate investigation.

#### INTRODUCTION

Facing a severe fundraising disadvantage, allegations of embezzlement, and the remains of a huge debt from the 2006 election cycle, the NRCC has benefited during the current election cycle from the unregulated spending of a group called Freedom's Watch. The group brags that it will spend as much as \$250 million during 2008. See Paul Kane and Jonathan Weisman, A Conservative Answer to MoveOn, Wash. Post, Jan. 20, 2008, at A5.

Purporting to promote the social welfare, Freedom's Watch instead has played Santa Claus to Republican House candidates in special elections. Commission records show that it spent

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approximately \$80,000 on ads attacking Robin Weirauch, the Democratic candidate in the December 11, 2007, special election in Ohio's 5th District. On information and belief, Freedom's Watch is now running \$120,000 worth of ads attacking Democratic House candidate Don Cazayoux in the May 3, 2008, special election in Louisiana's 6th District.

The head of Freedom's Watch is Carl Forti. Previously a longtime veteran of the NRCC, Forti reportedly ran the NRCC's independent expenditure program during the 2006 cycle while serving also as its communications director. He left the NRCC to work on Mitt Romney's presidential campaign, and then joined Freedom's Watch in March 2008.

When it went on the air in Louisiana, Freedom's Watch emailed local television stations a copy of the script of the ad it proposed to run. This is a common practice among political ad sponsors. Not so common, however, were the indicia of political party coordination that were contained in the electronic file that Freedom's Watch sent to the stations.

The script that Freedom's Watch sent the stations was in Microsoft Word format. Like all Word documents, it contained metadata with information about who wrote it, and when it had been modified. If one were to open the script, click on the "File" menu, click on "Properties," and then click on "Summary," one would see "NRCC" in the "Title" field, and "Valued Sony Customer" as "Author." See Exhibit A. If one were to click "File," "Properties," and then "Statistics," one would see that the document had been last modified by "cforti."<sup>1</sup>

On information and belief, the "Title" field in Word is often used by companies to identify itself as the entity responsible for the creation of a document. It is impossible to know from the available facts the exact nature of the relationship between the NRCC and the Freedom's Watch script. However, any number of scenarios are consistent with the

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<sup>1</sup> The DCCC obtained an electronic copy of the script from the Cazayoux campaign, which in turn had obtained it from a television station. A true and correct copy of the file obtained by the DCCC is contained at Exhibit A.

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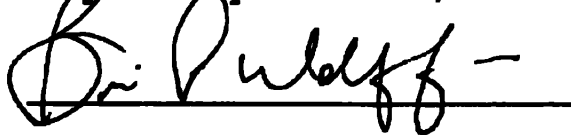
presence of "NRCC" in the metadata of the script. The NRCC may have created the script and sent it to Freedom's Watch. Freedom's Watch may have created the script using a file or computer provided by the NRCC. In any event, the metadata tend to show that the NRCC was involved in some way in preparing the ad.

Political party committees cannot coordinate with outside groups on ads that refer to federal candidates within 90 days of an election. See 11 C.F.R. § 109.21. Coordination occurs if the party requested or suggested the ad; if the party was materially involved in decisions about it; if the party and the sponsor had substantial discussions in which information material to the ad was conveyed; or if a former party employee, former party consultant or common vendor used party information in producing the ad for the sponsor. See *id.* § 109.21(d).

The presence of the NRCC metadata in the Freedom's Watch script is *prima facie* evidence of coordination. It shows that the NRCC was involved somehow in the very content of the ad. That Freedom's Watch is run by a former senior NRCC employee, and has spent lavishly in House races while the NRCC's budget is stretched thin, shows the motive and opportunity for coordination.

Thus, we call upon the Commission to conduct an immediate and complete investigation to determine just how the NRCC came to be involved in this ad, and to determine the nature of the relationship between the party committee and the shadowy outside group that does its bidding. The Commission should seek injunctive relief and the highest penalties allowed by law.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Brian Wolff", is written over a horizontal line.

Brian Wolff  
Executive Director  
Democratic Congressional  
Campaign Committee

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STATE OF District of Columbia

County of \_\_\_\_\_ )

April, 2008. SUBSCRIBED AND SWORN to before me this 16 day of

Wilma Simon  
Notary Public

My Commission Expires:

Wilma Simon  
Notary Public, District of Columbia  
My Commission Expires 7/31/2012

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**Exhibit A****Freedom's Watch - LA-06 - "FAMILY TAX" April 13, 2008**

VIDEO	AUDIO
<p>Shot of gas pumps            Super "Local gas price hits another all-time high" <i>The Times-Picayune</i> 4/8/08</p>	<p>Family budgets are tight.            Times are tough</p>
<p>Cut to Picture of Don Cazayoux</p>	<p>And Don Cazayoux?            What's he done to help?</p>
<p>Super "Voted to Raise Taxes"</p>	<p>He voted to raise our taxes            In the legislature, Don Cazayoux voted for</p>
<p>Super "Cazayoux voted for higher income taxes"  <i>Source Sunday Advocate, 6/16/02</i></p>	<p>Higher income taxes</p>
<p>Super "Higher taxes on utility bills"  <i>Source The Advocate, 6/11/00</i></p>	<p>Higher taxes on utility bills            Higher taxes on groceries</p>
<p>Super "higher taxes on groceries"  <i>Source The Advocate, 6/11/00</i></p>	<p>He even wanted to eliminate Louisiana's child tax credit. That's like raising taxes on our kids</p>
<p>Super "Eliminate Child Tax Credit"</p>	<p>Higher taxes on our kids, and the cereal they eat.</p>
<p>Super "Higher taxes on our kids and the cereal they eat"</p>	<p>Cazayoux's votes have cost you . . . too much</p>
<p>Super "Don Cazayoux He votes have cost you too much"</p>	<p>Tell Don Cazayoux to oppose tax hikes.</p>
<p>Call Don Cazayoux at 225-638-8725 and tell him to oppose tax hikes</p>	<p>Freedom's Watch is responsible for the content of this ad</p>
<p>Paid for by Freedom's Watch and not authorized by any candidate or candidate's committee  <a href="http://www.freedomswatch.org">www.freedomswatch.org</a></p>	

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